

BY-LAWS OF
THE TOWN OF WARREN

ARTICLE 1
General Provisions

Section 1. Effective Date

The following provisions shall constitute the General By-Laws of the Town of Warren which shall be in lieu of all By-Laws of the Town as approved by the Attorney General on June 1, 1949, January 6, 1960, April 10, 1961, June 7, 1961, December 19, 1961 and March 21, 1966, all of which are hereby repealed upon the effective date of these By-Laws.

Section 2. Repeal Provisions

The repeal of a By-Law shall not thereby have the effect of reviving any By-Law theretofore repealed.

Section 3. Applicability of Words and Phrases

Words and phrases specifying or naming any officer, board or committee of the Town, shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer, board or committee.

Section 4. Enforcement Provisions

A. Criminal Complaint

Whoever violates any provisions of these By-Laws may be penalized on complaint brought in the District Court. Except as may be otherwise provided by law, and as the District Court may see fit to impose, the maximum penalty for each violation, or offense brought in such manner, shall be three hundred (\$300.00) dollars.

B. Noncriminal Disposition

Whoever violates any provision of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, or department, which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-Laws and Sections of By-Laws are to be included within the scope of this Sub-Section, that the specific penalties as listed here shall apply in such cases and that in addition to Police Officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each Section, if any, shall also be enforcing persons for such Sections. Each day on which any violation exists shall be deemed to be a separate offense.

ARTICLE IX (See Pages 13-20)

Sections 1 and 2 Violations regarding Public Ways and Places.....	\$25.00 First Offense \$50.00 Second Offense
Section 3 Failure to obtain Driveway Permit.....	\$200.00
Section 8 Snow Removal.....	\$25.00
Section 11A Leaves or Debris on Public Way.....	\$25.00
Section 12 Illegal Disposal of Refuse or Rubbish	\$50.00 First Offense \$100.00 Second Offense
Section 12 Violation of Re-cycling Law.....	\$25.00
Section 12P Recreational Vehicles at Sanitary Landfill	\$300.00

Section 13 Public Consumption of
Alcohol..... \$25.00 First Offense
\$50.00 Second Offense

Section 14 House Numbering Violations..... \$25.00

ARTICLE X (See Pages 22-32)

Section 10 False Alarms.....\$25.00

Section 12 Dog Control Law.....\$10.00

Section 12G Barking Dogs.....\$25.00

Section 14 Rubbish and Litter.....\$50.00

ARTICLE XIII (See Pages 40-42)

Sections 1-8 Abandoned and Derelict
Vehicles.....\$50.00

ARTICLE XIV

Zoning By-Law – Violations (except for those governed by
Section 9.7(G).....\$50.00 First Offense
.....\$300.00 2nd & Subsequent Offense
The Inspector of Buildings shall be the enforcing authority.

ARTICLE XVI (See Pages 46-47)

Sections 1-6 Clean Air By-Law.....\$25.00 First Offense
\$50.00 Second Offense

Section 5. Invalidity

The invalidity of any Section of any By-Law shall not invalidate any other Section or provision thereof.

ARTICLE II

Town Meetings

Section 1. Date and Quorum for Annual Town Meeting

The Annual Town Meeting shall be held on the first Tuesday of May of each year. The number of voters necessary to constitute a quorum at any town meeting shall be twenty-five provided, however, that a number less than a quorum may from time to time adjourn the same. This Section shall not apply to such parts of meetings as are devoted exclusively to the election of Town Officers.

Section 2. Notice Requirements

Notice of every town meeting shall be given by posting attested copies of the warrant therefore on the bulletin board at the front entry of the Town Hall building and in one other public place in each polling place of the Town, as the Selectmen shall designate in the warrant, not less than seven days before the day fixed for such meeting. Attested copies of the Warrant for Special Town Meetings shall be published in a newspaper published in the Town of Warren or other local newspaper.

Section 3. Non-Voter Provisions

No person, not a voter of the Town, shall address a town meeting without consent of the meeting.

Section 4. Special Section for Non-Voters; Exceptions

Any person attending a town meeting, not a registered voter of the Town, shall be seated in a special Section which shall be physically separated from the voters' Section, except, a minor under 16 years of age, accompanied by the parent voter, may sit with said parent voter.

Section 5. Order of Action

Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting.

Section 6. Written Motions

Any motion, if requested by the Moderator, shall be presented in writing.

Section 7. Secret Ballot

If twenty-five voters present request a secret ballot on any warrant article, said vote shall be taken accordingly. In addition, a secret ballot may be called for on any warrant article by a majority of the voters present and voting. A secret ballot be taken on the appropriation of more than \$25,000.00 for any purpose other than an annual departmental appropriation or the borrowing of money for any amount.

Section 8. Check List for Ballot Voting – Deleted

(Reference Annual Town Meeting, May 11, 2004)

Section 9. Limitation of Action at Adjourned Meetings

No motion shall be entertained at an adjourned meeting for the reconsideration of any vote passed at the original meeting or at any adjournment of the same, unless notice of said motion shall have been given at such original meeting or at some intervening adjourned meeting, but this By-Law may be suspended in any particular case by the vote of three-fourths of those present and voting.

Section 10. Committee Reporting

All committees shall report as directed by the Town. If no report is made as directed, a committee shall be discharged unless, in the meantime, the Town shall have granted an extension of time.

Section 11. Dissolution of Meeting

No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant, therefore, has been duly considered and acted upon, but this shall not preclude the

postponement of consideration of any article to an adjournment of the meeting at a stated time and place.

Section 12. Rules of Procedure

Except as specifically provided by law, all meetings shall be conducted under rules of parliamentary law contained in "Town Meeting Time" a handbook of Parliamentary Law.

ARTICLE III
Town Officers

Section 1. Selectmen

The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided by law or these By-Laws.

Section 2. Inventory of Property

The Selectmen shall cause each town officer and department head, having custody of town property, to keep a true inventory thereof on file.

Section 3. Town Moderator

The Moderator shall not hold any other elected office in the Town. No person may qualify as Moderator or continue to hold the office of Moderator unless he first resigns any other elected office he might hold.

ARTICLE IV
Finance and Capital Planning Committees

Section 1. Finance Committee

The Finance Committee shall consist of seven registered voters of the Town, no one of whom shall be an officer. Members of the Finance

Committee shall be appointed by the Moderator for three-year terms from the date of the Annual Town Meeting. Said Committee shall be established by the appointment in 1970 of three members for three-year terms, and one member for a one-year term, such persons to constitute the Committee with the three members now serving their current terms. Thereafter, at the expiration of each term, the members shall be appointed for three-year terms.

Section 2. Capital Planning Committee

A. Establishment

The Board of Selectmen shall assist in the establishment and appointment of a Committee to be known as the Capital Planning Committee. This Committee is hereby established under Massachusetts General Laws, Chapter 41, Section 106B, and shall be composed of one member of the Board of Selectmen, one member of the Finance Committee, the Town Treasurer, and four registered voters from the Town. The Committee shall choose its own officers. Moderator to appoint the Registered Voter members. Member terms will be as follows:

Finance committee, one year, member to be selected by the Committee and may be re-appointed by the same; voter members, three years, with one to expire each year and may be re-appointed by the Moderator.

B. Purpose

The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which: a) are purchased or undertaken at intervals of not less than five years, b) have a useful life of at least three years, c) cost over **\$5000.00** All Town officers, boards and committees, including the Selectmen and School Committee, shall, by September 1st of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider the

relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town. No expenditure shall be voted for a capital outlay requested by a department, board or commission unless the proposed capital improvement is reflected in the Committee's report, unless that Committee shall first have submitted a report to the Board of Selectmen explaining the omission.

C. Annual Report

The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen and Finance Committee for its consideration and approval for the inclusion in the Annual Budget. The Board of Selectmen and Finance Committee shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town. The Committee shall also prepare a schedule of capital outlays, which it recommends for funding in the second through sixth ensuing fiscal years, with notes as to funding sources called the "Capital Program."

D. Expenditures

Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning of projects to be undertaken more than five years in the future.

E. Recommendations

The Committee's report and the recommended Capital Budget shall be published and made available in a manner consistent with the

distribution of the Finance Committee Report. The Committee shall deposit its original report with the Town Clerk.

ARTICLE V **Financial Affairs**

Section 1. Audit

There shall be an audit on the Town accounts under the supervision of the Commissioner of the Department of Revenue in accordance with generally accepted accounting practices and in accordance with the auditing standards issued by the Comptroller General of the United States.

Section 2. Submission of Bills

Each officer, board or committee authorized to spend money shall, prior to July 10th of each year, transmit to the Town Accountant all unpaid bills outstanding as of that date.

Section 3. Town Records Controlled by Treasurer, Town Clerk and Selectmen

Except as otherwise provided by law, the Treasurer shall have custody of all trust funds, bond and tax possession deeds; the Town Clerk shall have custody of all contracts, deeds, insurance policies and other similar documents owned by the Town; and the Selectmen shall have custody of the bonds given by the Treasurer, Tax Collector and Town Clerk.

Section 4. Depositing and Accounting of Town Funds

Every officer shall pay into the treasury of the Town all amounts received by him on behalf of the Town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received. Notwithstanding the foregoing, the Collector of Taxes may keep for his

own use the certificate fee provided by Massachusetts General Laws, Chapter 60, Section 23.

ARTICLE VI

Contracts by Town Officers

Section 1. Conflict of Interest

No officer of the Town shall in his official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the Town is interested and in which such officer has any personal financial interest, direct or indirect.

Section 2. Limitation on Fees

No town officer nor non-salaried employee of the Town, nor any agent of any such officer or employee, shall receive any compensation or commission for work done by him for the Town, except his official salary and fees allowed by law without the permission of the Selectmen expressed in a vote which shall appear on their records with the reason therefore.

Section 3. Written Contracts

No contract involving an obligation of the Town in excess of five thousand (\$5,000.00) dollars shall be binding upon the Town unless it is in writing and is signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the Town, said book to be in the custody of the board or committee and a copy of each contract to be filed with the Town Clerk.

Section 4. Requirement of Bond

Every contract exceeding four thousand (\$4,000.00) dollars shall be accompanied by a suitable bond for the performance of same, if so requested by the officer or board authorized to make the contract.

Section 5. Three-Year Limitation; Exception

No board or officer shall make any contract in behalf of the Town, the execution of which shall necessarily extend beyond three years from the date thereof, except as otherwise provided by law, unless specific authority to do so has been by vote of the Town.

ARTICLE VII
Legal Affairs

Section 1. Authority of the Selectmen

The Selectmen shall be agents of the Town to institute, prosecute and defend claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

Section 2. Compromise or Settlements of Claims

The Selectmen, may at their discretion, compromise or settle, on advice of Town Counsel, any claim or suit to which the Town is a party, which does not require the payment by the Town in excess of two thousand (\$2,000.00) dollars. No settlement of a claim or suit obligating the Town in an amount in excess of two thousand dollars shall be made, except as authorized by law, without the consent of the Town Meeting.

Section 3. Appointment of Town Counsel

The Selectmen shall annually in May, after final adjournment of the Annual Town Meeting, appoint a person who is a member of the bar in good standing to serve as Town Counsel for the term of one year, and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the

unexpired term and may employ special counsel to assist the said Town Counsel whenever, in their judgment, necessity therefore arises.

ARTICLE VIII

Records and Reports

Section 1. Keeping of Records

All officers, boards and committees of the Town, shall cause records of their doings and accounts to be kept in suitable books. All officers, boards and committees shall be responsible for the safe keeping of said books. Said books shall, unless otherwise provided by law, be open to public inspection during regular office hours, but shall remain during such inspection under supervision of the officer, board or committee having custody thereof.

Section 2. Reports of Expenditure of Funds

All officers, boards, standing committees and special committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted at a time to be specified by the Board of Selectmen. Notice of such time specified shall be provided in writing to applicable Town Departments by the Selectmen or their authorized agent.

Section 3. Annual Reporting

All offices of the Town shall annually file a written report with the Board of Selectmen setting forth the amount of fees received by them by virtue of their office. Such reports shall be submitted at a time to be specified by the Board of Selectmen. Notice of such time specified

shall be provided in writing to applicable Town Departments by the Selectmen or their authorized agent.

ARTICLE IX

Use of Public Ways and Places

Section 1. Sidewalks

A. Obstruction

No person shall operate or ride a horse, bicycle, cart, skateboard, in-line skates, scooter, or similar device on any public sidewalk or parking lot, or permit any of the foregoing to stand on any sidewalk so as to obstruct pedestrian or public travel.

B. Exemption

Devices intended to aid the handicapped or carriages or strollers being used to transport young children are exempt from the provisions of Sub-Section A. Operators of such devices shall yield the right of way to pedestrians and shall not otherwise endanger or interfere with pedestrian traffic.

C. Enforcement and Penalty

Violations of this Section may be punishable in the District Court by fines of up to one hundred (\$100.00) dollars. This Section may also be enforced by a non-criminal penalty of twenty-five (\$25.00) dollars for the first offense and fifty (\$50.00) dollars for subsequent offenses.

Section 2. Coasting or Sliding

A. Sidewalks

No person shall coast, slide, skateboard or skate down or across any street or sidewalk or way where prohibited by the Selectmen.

B. Enforcement and Penalty

Violations of this Section may be punishable in the District Court by fines of up to one hundred (\$100.00) dollars. This Section may also

be enforced by a non-criminal penalty of twenty-five (\$25.00) dollars for the first offense and fifty (\$50.00) dollars for subsequent offenses.

Section 3. Excavation of Public Ways; Driveways

No person who is not in the employ of the Town or some office, department thereof or the Water District, having authority to do so, shall dig up, or excavate, or assist in breaking or digging up, or excavating any part of a public street, highway or town way, or remove any gravel, or other material from a public street, highway or town way, unless he has obtained from the Highway Surveyor, a written permit therefore. Whoever by virtue of such a permit breaks, digs up, or excavates, or causes to be dug or broken up or excavated, any part of a public street, highway or town way, shall cause a rail or other sufficient barriers to be placed so as to enclose the part of the street so dug or broken up, or excavated; and he or they shall cause a sufficient number of lighted lanterns for public protection to be attached to some part of such barrier and so kept from the beginning of twilight through the whole of every night during all of the time such street, highway or town way remains dug or broken up or such excavation exists.

No person desiring to construct a driveway or access way onto a public way shall do so prior to obtaining a permit from the Highway Surveyor. Any person desiring to obtain such a permit must apply in writing to the Highway Surveyor on a form provided by the Highway Surveyor. The Highway Surveyor shall take action within a reasonable period of time from said application, setting forth conditions which he deems reasonable. No driveway permit will be issued until the applicant posts a certified check payable to the Town of Warren for \$1,000.00. This amount will be deposited in a special account by the Town Treasurer to be held in escrow in order to insure that the driveway is installed according to the conditions identified by the Highway Surveyor. If the work is not satisfactorily completed, the Town of Warren Highway Department may complete said work. If

the cost of said work, as estimated by the Highway Surveyor, is less than \$1,000.00, then any balance between the \$1,000.00 and the cost of said work will be returned to the applicant. The Highway Surveyor may delegate the issuance of driveway permits to another individual in his absence. The Chief of Police and/or the Highway Surveyor shall have authority to issue cease and desist orders if a driveway is being installed which does not comply with the conditions set forth in this Section. Any violation of this Section in addition to the provisions hereinabove shall be punishable by a fine not to exceed \$300.00.

Section 4. Restoration of Public Ways

Said person or persons shall restore said street, highway or town way; and the expense of repairs on said ways rendered necessary by said digging up, and occurring within one year thereafter, shall be paid by such person or persons.

Section 5. Parade Permits

No person shall form or conduct any parade in any street, sidewalk or public way within the Town without a written permit signed by the Board of Selectmen.

Section 6. Vendor Permits

No person shall sell, except in accordance with a permit from the Selectmen, any goods, articles or merchandise from any stationary vehicle or temporary stand in any street.

Section 7. Overhang Permits

No person shall place or maintain over any sidewalk any awning, shade, shade frame, canopy, sign or sign-board, without a permit from the Board of Selectmen, but no such awning, shade, shade frame, canopy, sign or sign-board shall be less than seven (7) feet from the ground in the lowest part or extend beyond the line of the sidewalk.

Section 8. Snow Removal

For the purpose of removing or plowing snow or removing ice, from any public way in the Town of Warren, the Highway Surveyor or Superintendent of Streets may remove, or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work. The costs of such removal and the storage charges, if any, shall be paid by owner of the vehicle to the person so removing or storing such vehicle; provided, however, such charges shall not exceed the prevailing rate.

No person other than an employee in the service of the Town of Warren or the Commonwealth of Massachusetts or independent contractor acting for the Town or the Commonwealth, shall pile, push or plow snow or ice onto or across a public way, street or roadway so as to create a safety hazard or obstacle to normal travel.

Section 9. Sewer Connections

Any sewer or drain laid or to be laid in any public way shall be a common sewer and shall not be connected with any existing common sewer except by the Board of Sewer Commissioners. The users of any sewer or drain laid in a public way shall be liable to usage fees governed by the Board of Sewer Commissioners.

Section 10. Prohibited Uses

No person shall in any street play at any game of ball, football, quoits, or throw balls or stones or snow-balls or sticks or other missiles or shoot with or use of any spring gun or air gun or a bow and arrow in the Town. Nor shall any person deposit within any street or public places any waste matter whatsoever or any article, which may cause damage or injury to vehicles or pedestrians without the consent of the Selectmen.

Section 11. Repealed

Repealed due to unconstitutionality at the Annual Town Meeting held on May 11, 1985, Article 37.

Section 11A. Leaves or debris

No person other than an employee in the service of the Town of Warren or the Commonwealth of Massachusetts or independent contractor acting for the Town or the Commonwealth, shall rake, push or pile leaves or other yard debris onto a public way, street or roadway so as to create a safety hazard or obstacle to normal travel. This By-Law shall carry a non-criminal penalty of twenty-five (\$25.00) dollars.

Section 12. Sanitary Landfill

A. Landfill Use

No person not a resident of the Town shall be permitted to use the Town Sanitary Landfill site for the disposal of refuse, garbage or rubbish.

B. Refuse From outside of Town Prohibited

No refuse, garbage, or rubbish from outside the limits of the Town of Warren shall be deposited in any area of the Town.

C. Transportation of Refuse

All refuse, while being transported to the site, unless completely enclosed in a vehicle must be covered in such a manner that no papers or other debris can fall from the vehicle.

D. Use of Designated Areas

Any resident using the sanitary landfill site shall deposit refuse, garbage or rubbish in places designated by signs plainly visible and placed in the sanitary landfill site.

E. Junk Car Prohibition

No junk cars shall be deposited at or on the Town sanitary landfill site.

F. Prohibition of Fires

No fires shall be set at the sanitary landfill site by any person.

G. Use by Non Residents

No non-resident of the Town of Warren shall deposit any rubbish or other refuse at the Town site except non-residents who are owners of real property within the Town of Warren.

H. Use of Contractors

Contractors working in the Town shall not use the Town site except by special permit issued by the Board of Health.

I. Removal of Material

No persons shall remove any material deposited at the Town site or rummage through the site in any manner whatsoever.

J. Authority of Operator

All refuse deposited at the site shall be placed in the rear thereof or other place designated by the operator in charge at the time of deposit.

K. Parking

Parking on the premises of the Town site is prohibited except while the operator of a vehicle is actually depositing rubbish in the site.

L. Prohibition of Firearms

No person shall discharge firearms at the Town site.

M. Authority of Board of Health

It shall be the responsibility of the Board of Health of the Town of Warren to strictly enforce all provisions of the law pertaining to the Town Sanitary Landfill site, and the Town of Warren Board of Health shall be responsible for the setting of the disposing hours, which they shall post from time to time.

N. Penalty

Any person being found in violation of this Section for illegally disposing shall be fined an amount not to exceed \$200.00.

O. Recycling Requirements

Any person disposing of solid waste at the Sanitary Landfill shall separate such waste into categories as determined by the Board of Health to be recyclable. For the purposes of this By-Law the term "recyclable" shall apply to the following items; newspaper, glass, plastic, food cans, used clothing, metal as well as other material the Board of Health may determine can be recycled. The Board of Health shall have the authority to add, alter, or delete items to be separated as the market for recyclable goods may change. The Board of Health may set a fine for each violation of this By-Law (not to exceed \$25.00).

P. Prohibition of Recreational Vehicles

No recreational vehicles motorized or otherwise, shall be permitted within the boundaries of the Warren Sanitary Landfill for any purpose at any time. The prohibited vehicles include but are not limited to motorcycles, dirt bikes, all terrain vehicles and snowmobiles. Any person found in violation of this Sub-Section for illegally operating a recreational vehicle shall be fined an amount not to exceed \$300.00. Violations of this Sub-Section may also be enforced by non-criminal disposition in accordance with Article I, Section 4, Sub-Section B of this By-Law. Vehicles required by law enforcement agencies shall be exempt from its provisions.

Section 13. Use of Alcoholic Beverages

No person shall consume any alcoholic beverages defined by General Laws upon any public way, Town Park, Town Common, Town Cemetery, public school building or school land, recreational area under the control of the Park Department, or other public place except

during such times as a special license is in effect for such places. Persons violating this By-Law may be arrested by a police officer without a warrant and shall be liable to a fine of not less than \$25.00 and not more than \$100.00.

Section 14. Numbering of Buildings and Dwellings

A. Requirements of Street Number

All persons shall affix to buildings owned by them the street numbers designated for such buildings as shown on maps prepared for the Town by Cartographic Associates, Inc. No person shall affix or allow to remain on any building owned by him a street number other than the one so designated.

B. Location

Numerals indicating the official number for each principal building shall be placed on or near the entrance to that building which is most visible and most accessible from the road. If the building is not clearly visible from the road, the number shall be placed on a post, mailbox, or other appropriate place at the end of the walk or driveway to said building.

C. Size

Building numbers shall be of permanent weatherproof material, shall be at least three (3) inches tall and two and one half (2-½) inches wide, and shall be clearly visible from the roadway.

D. Obtaining Number for New Construction

Whenever any house or principal building is erected on a lot in Warren after the enactment of this By-Law, it shall be the duty of the owner to obtain the correct number assignment from the Highway Superintendent or his designee prior to the issuance of a building permit. No occupancy permit for the structure erected shall be issued until the number has been properly affixed as specified in Sub-Section B of this Section.

E. Enforcement and Penalty

This Section shall be enforceable ninety (90) days after the effective date of this By-Law. Enforcement will be by the Board of Selectmen, which may delegate said authority to the Police Department or Building Inspector. Violation of this By-Law may be punishable by a fine of five (\$5.00) dollars. Each day of such violation shall constitute a separate offense.

Section 15. Hawking, Peddling and Soliciting

A. Registration required for solicitor's permit

No person shall go from house to house within the Town taking orders for any goods, wares or merchandise, nor shall any person go begging or soliciting gifts or contributions of money or valuables for any purpose, on foot or from a vehicle without first recording his name, address and nature of the solicitation with the Chief of Police. The Chief of Police shall thereupon issue a permit for a period not exceeding 12 months. Such permit must be shown on request and shall state that said person has duly registered and is entitled to go from house to house within the Town for the purpose specified.

B. Registration required for salespersons

No person unless properly licensed by the State shall go from house to house within the Town selling, bartering, or carrying or exposing for sale or barter any goods, wares or merchandise and such person licensed by the State shall register with the Police Department of the Town.

C. Exceptions

The Chief of Police may however, authorize the director of any non-profit organization to solicit within the Town without having each solicitor under his direction register within the Town.

D. Enforcement and Penalty

This Section shall be enforced by the Police Department. Violation of this By-Law may be punishable by a non-criminal penalty of twenty-five (\$25.00) dollars for each offense.

ARTICLE X
Miscellaneous

Section 1. Appointments

A. Inspector of Gas Piping and Gas Appliances

The Board of Health shall annually appoint an inspector of Gas Piping and Gas Appliances in buildings pursuant to Massachusetts General Laws, Chapter 142, Section 9. He shall receive from the Town compensation to be fixed by the appointing Board, subject to the approval of the Selectmen.

B. Inspector of Wires

The Board of Selectmen shall annually appoint an Inspector of Wires pursuant to Massachusetts General Laws, Chapter 166, Section 32. The Board of Selectmen shall determine the fees to be charged for such inspections. In addition to any amounts appropriated at the Annual Town Meeting as compensation, the Board of Selectmen may provide additional compensation to be paid to the Inspector of Wires, said compensation to be no more than the fee charged for inspections and may provide that said compensation be paid directly from said fees.

C. Inspector of Plumbing

An Inspector of Plumbing shall be appointed pursuant to Massachusetts General Laws, Chapter 142. In addition to any amounts appropriated at the Annual Town Meeting as compensation, the Board of Selectmen may provide additional compensation to be paid to the Inspector of Plumbing, said compensation to be no more

than the fee charged for inspections, and may provide that said compensation be paid directly from said fees.

Section 2. Requirement of Barrier; Excavation

The Board of Selectmen may require the owner of land which has been excavated to erect a barrier or take other suitable measures within twenty-four (24) hours after such owners have been notified in writing by the Selectmen that in their opinion such excavation constitutes a hazard to public safety.

Section 3. Abandoned Wells

The owner of land wherein is located an abandoned well or well in use shall provide a covering for such well capable of sustaining a weight of at least three hundred (300) pounds. The penalty for violation of this By-Law shall be a fine of not less than one hundred (\$100.00) dollars nor more than five (\$500.00) hundred dollars, notwithstanding the provisions of Article 1, Section 4 of these By-Laws.

Section 4. Notice to Board of Assessors Relative to Alteration

No building or structure shall be constructed, removed or materially altered without first giving written notice thereof to the Board of Assessors, said notice to contain a description of the proposed work and such other information that the Board of Assessors might require. This By-Law will not apply to alterations costing less than \$1,500.00.

Section 5. Disposal of Personal Property of Town

Any personal property of the Town certified in writing by the Board or Officer having charge thereof to be no longer required or useable by the Town, may be sold by the Board of Selectmen at public auction or by sale with sealed bids. The Selectmen may adjourn any public auction sale to any other convenient place. At least seven days prior to any sale, the Selectmen shall post a notice of the items to be sold at the entrance of the Town Hall in Warren and in one public place in

Precinct/Polling Place B. The time and place of any sale shall be determined by the Board of Selectmen.

Section 6. Residential Requirement for Certain Town Employees

All persons, not under Civil Service employed and paid by the Town as laborers, trucking equipment operators, custodians of any Town building, police officers and clerical workers shall be residents of the Town or shall reside within fifteen (15) miles of a Town boundary. Any such employee removing from the Town or from within fifteen (15) miles of a Town boundary shall thereupon terminate his employment. This By-Law shall not apply to persons employed on the date this By-Law becomes effective.

Section 7. Council on Aging

The Town shall have a Council on Aging appointed under the provisions of Chapter 40, Section 8B of the Massachusetts General Laws consisting of seven members to be appointed by the Board of Selectmen, each member to be appointed for a three year term, except that in the original appointments to said Council, two members shall be appointed for a one year term, two members shall be appointed for a two year term and three members shall be appointed for a three year term, said terms to expire on the anniversary of date of appointment.

Section 8. Repealed

Repealed due to unconstitutionality at the Annual Town Meeting held on May 11, 1985, Article 37.

Section 9. Repealed

Repealed due to unconstitutionality at the Annual Town Meeting held on May 11, 1985, Article 37.

Section 10. False Alarms

An owner of non-municipal property whose automatic heat, smoke, fire or intrusion alarm causes a false alarm as a result of monitoring by

a party other than the owner reporting said false alarm to the Town shall pay a fine of twenty-five (\$25.00) dollars to the Town of Warren for each occurrence after three (3) per calendar year. Violations of this Section may be enforced as provided by Massachusetts General Laws, Chapter 40, Section 21D, by any Police or Fire Department Officer.

Section 11. Use of Quaboag River

In order to protect the natural environment of the Quaboag River, no draw or discharge as of the date of enactment of this By-Law will be allowed that will degrade the Class B Status of the Quaboag River as defined in Massachusetts General Laws, Chapter 21 Section 26 et. Seq., CMR 314, 3.3, 4 and no draw or discharge shall exceed 100,000 gallons of water per day. Exempted are draws or discharges permitted at date of enactment of this By-Law and municipal sewage treatment facilities. The Warren Conservation Commission will act as the Town Board to enforce this By-Law. The fine for violation of this By-Law is \$300.00 per day; each day constitutes a separate violation.

Section 12. Dog Control Law

A. Definition of Terms

As used in this By-Law, unless the context otherwise indicates:

1. **"Dogs"** shall mean all animals of the canine species, both male and female.
2. **"Owner"** shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog as herein defined.
3. **"Public Nuisance"** - Any dog shall be deemed a public nuisance if such dog is found to be not on the premises of the owner of such dog or upon the premises of another person without the knowledge and express permission of such other person except:
 - a. If such dog is attached to a restraining device and under the care and control of a person competent to restrain said dog so that it shall not be a threat to public safety or the requirements of this By-Law.

b. If such dog is being used as a so-called "hunting dog" and is being supervised as such by a person competent to restrain such dog so that it shall not be a threat to public safety.

B. Permitting a Dog to Become a Public Nuisance Prohibited

No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed to become a public nuisance within the Town of Warren at any time.

C. Impounding

It shall be the duty of the Dog Officer to investigate complaints concerning any dogs which are alleged to be in violation of the By-Law and to apprehend such dog found by him to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain said dog.

D. Notice to Owner and Redemption

If such dog, so impounded, has upon it the name and address of the owner thereof or if the name of said owner is otherwise known, then the Dog Officer shall immediately notify the owner and if the owner is not known, then no notice shall be necessary. The owner of any dog so impounded may reclaim such dog upon the reimbursement to the Dog Officer of his expenses for maintaining said dog while impounded. In any event, the Dog Officer shall not charge more than three dollars (\$3.00) for a reimbursement of said expenses for each twenty-four (24) hour period or any part thereof that the dog is held by him plus thirty dollars (\$30.00) as a fee for the initial handling of such dog. Provided, however, if the dog is not licensed, a license as required by the Town of Warren must be obtained before the Dog Officer releases said dog to any person.

E. Penalty

Any owner found in violation of the provisions of Sections 12A through 12D of this By-Law shall be punished by a fine of not more

than fifty (\$50.00) dollars in accordance with the provisions of Chapter 140, Section 173A of the Massachusetts General Laws.

F. Failure to License

An additional fee of five (\$5.00) dollars shall be charged to each dog owner who fails to license said dog on or before July 1 of any year. The fee so collected shall be deposited in the Town Treasury to become part of the General Fund. This fee becomes effective with the 1987-licensing season.

G. Dog Considered to be a Nuisance

Any dog found to be consistently barking or otherwise disturbing the peace for a continuous period of at least ten (10) minutes shall be considered a nuisance and the owner of such dog or the person(s) keeping such dog shall be subject to a fine of twenty-five (\$25.00) dollars after the third violation. Violations of this Section may be enforced as provided by Massachusetts General Laws, Chapter 40, Section 21D by any Police or Animal Control Officer.

Section 13. Petroleum Storage License Fees

Fee schedule, effective Fiscal Year 1987, for Petroleum Storage Licenses as authorized by Massachusetts General Laws, Chapter 148, Section 13.

	Original License	Renewal
Up to 1,000 gallons	\$20.00	\$10.00
Up to 2,000 gallons	25.00	12.50
Up to 3,000 gallons	30.00	15.00
Up to 5,000 gallons	40.00	20.00
Up to 10,000 gallons	50.00	25.00
Up to 30,000 gallons	75.00	37.50
Over 30,000 gallons	100.00	50.00

Section 14. Rubbish, Litter

A. Definitions

For the purpose of this article, the following terms, phrases, words, and their derivatives shall be defined as follows:

1. **"Garbage"** means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
2. **"Litter"** means garbage, refuse and rubbish, as defined herein and all other waste material which if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
3. **"Park"** means any park, reservation, playground, beach, recreation center or any other public area in the Town owned or used by the Town and devoted to active or passive recreation.
4. **"Person"** means any person, firm, partnership, association, corporation, company or organization of any kind.
5. **"Private Premises"** means any dwelling, house, buildings or other structure designed or used either wholly or in part for private residential purposes whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
6. **"Public Place"** means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public ways and any and all public parks, squares, spaces, grounds and buildings.
7. **"Rubbish"** means non-putrescible solid waste consisting of both combustible and non combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, leaves, weeds, brush, shrubbery and similar materials.
8. **"Vehicle"** means every device in, upon, or by which any person or property is or may be transported or drawn upon a

highway, including devices used exclusively upon stationary rails or tracks.

B. Litter in Public Places

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in public receptacles or in private receptacles for collection.

C. Polluting Rivers

No person shall deposit any rubbish, paper, paper waste, rags or waste material of any kind in any river, stream or natural waterway or upon the banks of same.

D. Scattering Rubbish

No person shall deposit in or upon, or scatter over or upon any of the streets, parks or public grounds within the Town any paper, paper waste, rags or waste material of any kind. No person who is the owner or lessee of any lot or land within the Town shall deposit upon any such lot or land, or allow to be deposited thereon.

E. Placement of Litter in Receptacle so as to Prevent Scattering

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other grounds within the Town.

F. Sweeping Litter Into Gutters Prohibited

No person shall sweep into or deposit in any gutter, ditch, street or other public place within the Town the accumulation of litter from any building or lot or from the public sidewalks. Nor shall any owner or tenant abutting a public thoroughfare allow or suffer to remain litter upon the adjacent public sidewalk including medians, so that litter, rubbish and refuse shall not be allowed to pile up or accumulate on such public right of way.

G. Merchants Duty to Keep Sidewalks Free of Litter

No merchant or business within the Town shall allow litter to accumulate, and shall clean and otherwise rid his premises, including sidewalks, of waste matter and litter although the same may not have been deposited by him, his agents, or his patrons.

H. Litter Thrown by Persons in Vehicles

No operator or passenger in any motor vehicle shall throw or deposit litter on any public street, right-of-way, sidewalk or upon private premises while such vehicle is either stopped or in motion.

I. Truck Loads Causing Litter

No operator of any truck or hauling motor vehicle shall cause to be scattered on or about public or private premises or streets while in motion, or stopped, any litter, refuse, mud, dirt, sticky substances or rubbish. All loads shall be secured in such a manner so as to effect compliance with this article.

J. Litter in Parks, Lakes and Fountains

No camper, spectator, participant, pedestrian, person engaged in recreational pursuit, or other person shall cause litter, rubbish or refuse to be cast, thrown, deposited or scattered in or around public parks, lakes, waterways or other public lands, except in containers and receptacles designed for such use.

K. Litter on Occupied and Vacant Private Property: Owners Duty

Litter, rubbish or refuse, shall not be cast, scattered, thrown, or deposited on or about private property within the corporate limits to the detriment of public health, safety and welfare. The owner, lessees, agents or others in charge of premises within the Town shall rid such lands and abutting sidewalks and medians of such nuisance or place it in an authorized receptacle. It shall likewise be unlawful for any person to dump, place or scatter litter, refuse or rubbish on or about private premises, whether such premises are vacant or inhabited.

L. Clearing of Litter from Private Property by Town

If it appears that such conditions exist, the Board of Selectmen shall cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Board of Selectmen at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. If a determination is made that such conditions constituting a public nuisance exists, the Board of Selectmen shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within seven (7) days from the receipt of such written notice.

M. Penalties

Any person violating this article shall be guilty of a misdemeanor and if found guilty of said misdemeanor, is punishable upon conviction of a fine not exceeding fifty (\$50.00) dollars. For every day after such violation shall exist subsequent to the seven (7) day notice by the Board of Selectmen in the preceding Section, it shall be deemed to constitute a separate offense; and if found guilty of said separate offense, shall be punishable, upon conviction, by a fine not exceeding fifty (\$50.00) dollars for each such violation.

Section 15. Licenses and Permits of Delinquent Taxpayers

Any holder of or applicant for a local license or permit issued by any board, officer or department of the Town, who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charge shall have said license, permit or application suspended, revoked or denied.

A. Tax Collector to Furnish Information

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

B. Denial by Licensing Authorities for Delinquent Taxpayers

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this Section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes,

fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

C. Payment Agreements

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit, provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

D. Waiver of Denial by Board of Selectmen; Non Applicability

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Massachusetts General Laws, Chapter 268, Section 1, in the business or activity conducted in or on said property.

This Section shall not apply to the following licenses and permits: open burning; Massachusetts General Laws, Chapter 48, Section 13; bicycle permits; Chapter 85, Section 11A; sales of articles for charitable purposes, Chapter 101, Section 33; children work permits, Chapter 149, Section 69; clubs, associations dispensing food or beverage licenses, Chapter 140, Section 21E; dog licenses, Chapter 140, Section 137; fishing, hunting, trapping license, Chapter 131, Section 12; marriage licenses, Chapter 207, Section 28 and theatrical events, public exhibition permits, Chapter 140, Section 181.

ARTICLE XI

Removal of Topsoil

Section 1. Definitions

Topsoil - also known as the “A” horizon. This layer called Topsoil is found below the “O” horizon and above the “E” horizon. Seeds germinate and plant roots grow in this dark-colored layer. It is made up of humus (decomposed organic matter) mixed with mineral particles.

Horizon - soil is made up of distinct horizontal layers; these layers are called horizons and are labeled as follows: “O”, “A”, “E”, “B”, “C”, and “R”.

Section 2. Permit Required

A written permit shall be obtained from the (WCC) Warren Conservation Commission for the removal of Topsoil from any lot within the Town of Warren. The application for such a permit shall include the following:

- a.** the approximate amount (in cubic feet) of Topsoil to be removed;
- b.** the location on the lot, including the dimensions of the area from which the Topsoil is to be removed;
- c.** the length of time in days or weeks during which the removal will occur, including the approximate beginning and end dates; and
- d.** a description of the provisions for mitigation and restoration of the ground level and grade of the area from which the Topsoil is being removed, including a description of the ground cover that will be installed. The ground cover mitigation must be at least three inches. A minimum of three (3) inches of Topsoil must be final cover.

Section 3. Expiration of Permits; Conditions

Permits for the removal of Topsoil must be dated to expire no later than one (1) year from the date of issuance. No Topsoil may be removed from any area within one hundred (100) feet of a river, stream, wetland, and/or fifteen (15) feet of boundary line of the lot. In issuing a permit under this By-Law the (WCC) Warren Conservation Commission may impose such conditions not specifically provided for therein as (WCC) Warren Conservation Commission may deem necessary for the adequate protection of the neighborhood and the Town and including reasonable conditions as to the re-establishment of ground levels and grades and the planting of the area to suitable cover.

Section 4. Exemptions

A. Transferring Topsoil

No permit shall be required for the transfer of Topsoil from one part of a lot to another in connection with site preparation or cultivation. Notwithstanding the preceding sentence, if Topsoil is transferred from one location on a lot to another location on the lot, the Topsoil shall be reused on the lot within one (1) year of such removal, or a permit under this Article shall be required.

B. Earth Removal

Earth Removal operations are regulated under the Town's Zoning By-Laws, Section 8 and are not subject to the provisions of this By-Law regulating Removal of Topsoil.

Section 5. Enforcement

This Section shall be enforced by the (WCC) Warren Conservation Commission, which may delegate said authority to the Warren Police Department. Violations of this Section may be punishable in the District Court by fines of three hundred (\$300.00) dollars. This Section may also be enforced by a non-criminal penalty of three (\$300.00) dollars per day, in accordance with Article 1, Section 4B.

ARTICLE XII

Mobile Homes

Section 1. Prohibition of Mobile Homes; Application

No mobile home as defined in Massachusetts General Laws, Chapter 140, Section 321, shall be placed on any lot in the Town for use thereon as living quarters. This Section shall not apply to mobile homes or trailers situated on authorized spaces in recreational camps, overnight camps or in mobile home parks licensed under the provisions of Chapter 140, Section 32A to 32I.

Section 2. Non-Applicability

These By-Laws shall not apply to any mobile home or camping trailer which is registered with the Registry of Motor Vehicles of any state and not intended for use as living quarters or actually used as living quarters for less than twenty (20) days in the aggregate in any calendar year on its location.

Section 3. Storage of No More Than One

Not more than one (1) camping trailer or mobile home shall be stored on any premises in the Town except on premises used as a sales location for the sale of trailers or mobile homes by an authorized dealer.

Section 4. Recreational Camp

No premises, not presently licensed by the Board of Health, shall be used for recreational camp or overnight camp. This By-Law shall not apply to non-commercial use.

Section 5. Prohibition of Mobile Home Parks

No premises shall be used for a Mobile Home Park. This By-Law shall not apply to premises for which a mobile home park license had

been issued. A Mobile Home Park may be enlarged by special permit granted by the Planning Board of the Town of Warren upon the following conditions: the enlargement shall be allowed only for lots on which mobile homes have been located and occupied for at least ten (10) years continuously and only for lots which are immediately contiguous to the mobile home park seeking to be enlarged.

Section 6. Substitution for Previous By-Law

The substitution or replacement of mobile homes, presently lawfully situated, shall be permitted so long as the lot on which they are located conforms to Article XIV, Section 4 of these By-Laws.

Section 7. Penalty

Any persons violating any provision of this Article shall forfeit and pay a fine not exceeding fifty (\$50.00) dollars for each offense and each day that such violation continues to constitute a separate offense. The Board of Selectmen shall enforce these By-Laws.

Section 8. Effective Date

Article XII, Section 1, Section 2, Section 3 and Section 4 of the existing By-Laws of the Town are repealed upon the approval of these By-Laws by the Attorney General. No pre-existing By-Law shall be revived by this repeal.

Section 9. Agricultural Use Exception

This By-Law shall not apply to mobile homes placed on agricultural land and intended exclusively for the seasonal occupancy of harvest agricultural laborers. Such occupancy shall not exceed sixty (60) days in any calendar year; however, the mobile houses may be stored but not occupied on such land during the remainder of the year. All sanitary laws, rules and regulations relating to mobile homes shall apply and building permits shall be required annually prior to occupancy as in all other cases.

Section 10. Mobile Home Rent Control By-Law

A. Name

This By-Law shall be known and may be cited as the "**MOBILE HOME PARK RENT CONTROL BY-LAW**".

B. Definitions

For the purpose of this By-Law the following terms, phrases, words and their derivations, shall have the meaning given herein, unless the context in which they are used clearly require a different meaning.

1. "**Rent Board**" and "**Board**" means the **MOBILE HOME PARK RENT CONTROL BOARD** as established herein.
2. "**Mobile Home**" shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters.
3. "**Mobile Home Park**" means a park licensed by the Board of Health pursuant to Massachusetts General Laws, Chapter 140, Section 32B.
4. "**Rules and Regulations**" means rules and regulations as promulgated by the BOARD.
5. "**Shall**" is mandatory; "**May**" is permissive.

C. Mobile Home Park Rent Control Board

There is hereby established a Mobile Home Park Rent Control Board consisting of three (3) members appointed by the Board of Selectmen. The members in the first instance shall be appointed for terms of one (1), two (2), and three (3) years. Upon expiration of a term of office, the subsequent term shall be for a period of three (3) years, for all appointments made after May 10, 2005. Any member of the Mobile Home Park Rent Control Board may be removed for cause by the Board of Selectmen, after a public hearing, if such hearing is requested by the member of the Mobile Home Park Rent Control Board whose removal is contemplated.

D. Duties and Powers

1. The BOARD shall regulate rents, set minimum standards for use or occupancy of Mobile Home Park accommodations and evictions of tenants there from; may require registration by owners of Mobile Home Parks; may require information of said owners relating to their parks under penalties of perjury.
2. The BOARD may make rules and regulations, sue and be sued, compel attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenant of such Mobile Home Park accommodations.

E. Standards for Adjusting Rents

1. The BOARD may make individual or general adjustments, either upward or downward, as may be necessary to assure that rents for Mobile Home Park accommodations are established on levels which yield to owners a fair net operating income for such units.
2. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property, equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the BOARD on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.
3. Fair market value shall be the assessed valuation of the property or such other valuation as the BOARD, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.
4. The BOARD may establish further standards and rules consistent with the foregoing.

F. Summary Process

The BOARD may regulate evictions of tenants at Mobile Home Parks and may issue orders, which shall be a defense to an action of Summary Process for possession.

G. Review

1. The BOARD and its actions shall be subject to the provisions of Massachusetts General Laws, Chapter 30A (Administrative Procedures Act) as if the BOARD were an agency of the Commonwealth of Massachusetts.
2. Pursuant to Chapter 642 of the Acts of 1985 the Spencer Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court, of all petitions for review brought pursuant to Massachusetts General Laws, Chapter 30A, Section 14.
3. The Superior Court Department shall have jurisdiction to enforce the provisions of the By-Law and may restrain violations thereof.

H. Penalties

Violations of this By-Law or any order of the BOARD shall be punishable by a fine of not more than One Thousand (\$1,000.00) Dollars for any one offense.

I. Severability

If any provision of this By-Law shall be held invalid, the validity of the remainder of this act shall not be affected thereby.

ARTICLE XIII
Abandoned and Derelict Vehicles

Section 1. Definitions

A. Abandoned Motor Vehicles

A motor vehicle shall be deemed to have been abandoned for the purposes of this article in the following circumstances:

1. It has been left unattended upon a street or highway in violation of a statutory law or ordinance regulating or prohibiting parking for a period of twenty-four (24) hours; or

2. It is left unaccompanied on property owned or operated by the Town or on any street or highway for a period of not less than forty-eight (48) hours; or
3. It is left unaccompanied on private property for a period of not less than thirty (30) days, in derelict condition.

B. Derelict Vehicle

A motor vehicle shall be deemed derelict for the purposes of this article if the vehicle is: inoperable, partially or wholly dismantled, wrecked, junked, or of similar condition, for a period exceeding thirty (30) days.

Section 2. Declared a Health Hazard

For the purposes of this article, the Board of Selectmen authorizes the Chief of Police to declare any abandoned or derelict motor vehicle remaining on private property in excess of thirty (30) days a health hazard.

Section 3. Duty of Owner to Remove from Private Property

No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any wrecked, junked, discarded, partially dismantled non-operable motor vehicle to remain on such property for more than thirty (30) days. This article shall not apply to a vehicle in an enclosed building, garage, or carport, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Section 4. Duty of the Owner to Remove from Public Property

If a motor vehicle is abandoned or derelict on a public street or highway, it shall be the duty and responsibility of the owner of such motor vehicle to cause the removal thereof immediately.

Section 5. Notification and Hearing

Upon receipt of a complaint concerning abandoned/derelict vehicles, as defined in this article, the Chief of Police or his designee, will

investigate said complaint. If, in his judgment, a violation has occurred, the Chief of Police or his designee shall cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Chief of Police at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the delivery or mailing of this notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearing.

If a determination is made that such conditions constituting a public nuisance exist, the Chief of Police shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within thirty (30) days from the receipt of such written notice.

Exceptions to this procedure are abandoned or unlicensed vehicles on public property where action shall be taken within forty-eight (48) hours of notification of the nuisance and unidentified vehicles when corrective action shall be taken by the Police Department immediately.

Section 6. Unlicensed Motor Vehicles

No person shall park, store or leave or permit the parking or storage of more than one (1) unlicensed motor vehicle which is operable for a period in excess of forty-eight (48) hours, whether attended or not, upon any private property within the Town, unless the vehicle is enclosed within a building, garage, carport, or further, is connected with and essential to the operation of a business enterprise conducted in a lawful place and manner and properly licensed. The Chief of Police, upon notice of such a violation, may cause either personal or written

notice of such violation be served upon the owner, tenant, occupant, lessee and/or the owner of the motor vehicle.

Section 7. Trailers

The provisions of this Section shall be applicable to trailers or wagons in a wrecked, junked, discarded, partially dismantled non-operable or otherwise derelict condition.

Section 8. Penalties

Any person violating any Section of this Article shall be guilty of a misdemeanor. For every day such violation shall thereafter exist, it shall be deemed to constitute a separate offense; and if found guilty of said misdemeanor, be punishable upon conviction by a fine not exceeding fifty (\$50.00) dollars for each violation.

ARTICLE XIV

Zoning

Section 1-7. Repeal of Previous Zoning By-Law and Reference to New One.

Sections 1-7 Repealed at Special Town Meeting held November 27, 1984.

SEE ZONING BY-LAW AND MAP UNDER SEPARATE COVER

Section 8. Flood Plain District

A. Purpose

The purpose of the Flood Plain District is to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain and to preserve and maintain the ground water table and water recharge areas within the flood plain.

B. District Delineation

The general boundaries of the Flood Plain District are shown on the Town of Warren Flood Insurance Rate Map (**FIRM**), dated December 1, 1981, as Zone A, A-30 to indicate the one (100) hundred year water surface elevations shown on the **FIRM** and further defined by the Flood Insurance Study, dated December 1, 1981. The floodway boundaries are delineated on the Town of Warren Flood Boundary Floodway Map (**FBFM**), dated December 1, 1981, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two maps, as well as, the accompanying Study are incorporated herein by references and are on file with the Board of Selectmen, Town Clerk and Planning Board.

Within Zone A, where the one-hundred (100) year flood elevation is not provided on the **FIRM**, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Inspector of Buildings. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this By-Law and the State Building Code, Section 744.

C. Use Regulations

All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts State Building Code pertaining to construction in the flood plains (Section 744).

D. Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted by the Town of Warren Zoning By-Law and they do not require structures, fill or storage of materials or equipment. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

Forestry and nursery uses.

1. Outdoor recreational uses, including fishing, boating, play areas, etc.

2. Conservation of water, plants, wildlife.
3. Wildlife Management areas, foot, bicycle, and/or horse paths.
Temporary non-residential structures used in conjunction with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
4. Buildings lawfully existing prior to the adoption of these provisions;
or
5. Reconstruction of buildings lawfully existing prior to the adoption of these provisions that have been destroyed by fire or other natural catastrophe, provided that reconstruction is started within 18 months of the date of the disaster, and that reconstruction complies with all laws, rules or regulations in existence at the time reconstruction begins.

E. Special Permits

No structure or building shall be erected, constructed, substantially improved or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a Special Permit is granted by the Planning Board, acting as the Special Permit Granting Authority. The Planning Board may issue a Special Permit hereunder (subject to other applicable provisions of this By-Law) if the application is compliant with the following provisions:

1. The proposed use shall comply in all respects with applicable provisions of this By-Law and the Wetlands Protection Act, and
2. Within the twenty-one (21) days of the receipt of the application, the Planning Board shall transmit one copy of the development plan to the Conservation Commission, Board of Health, Inspector of Buildings, and the Zoning Board of Appeals. Final action shall not be taken until written comments have been received from the aforementioned boards or until thirty-five (35) days have elapsed. Special permits shall be issued by the Planning Board according to the provisions of Massachusetts General Laws, Chapter 40A, Section 9 and
3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is

provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood, and

4. The Planning Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

Penalties under the Zoning By-Law are applicable to violations of the Flood Plain District provisions.

Section 9. Class III Motor Vehicle Limitation

The number of Class III Motor Vehicle Junk Car Licenses as provided by MGL Chapter 140 shall be limited to 4 within the boundaries of the Town of Warren.

ARTICLE XV **Town Employees**

Reference to Personnel By-Law

SEE PERSONNEL BY-LAW UNDER SEPARATE COVER

ARTICLE XVI **Clean Air By-Law**

Section 1. Finding and Purpose

There exists substantial evidence that tobacco smoke causes cancer, heart disease and various lung disorders. Increasing evidence further demonstrates that the harmful effects of tobacco smoke are not confined to smokers, but also cause severe discomfort to non-smokers. Therefore, the purpose of this By-Law is the protection and promotion of public health by means of restricting smoking in public places. The successful implementation of this By-Law requires a cooperative effort and mutual respect on the part of smokers and non-smokers.

Section 2. Definitions

For the purpose of this By-Law the following definitions shall apply:

- A. "Smoking," means the lighting of, or having in one's possession, any lighted cigar, cigarette, pipe or other tobacco product.
- B. "Public Place" means any of the following buildings: municipal or other government buildings and libraries within the Town of Warren, and refers to any enclosed areas of these facilities.
- C. Designated "Smoking Area" means the area of a Public Place designated by persons having control of the premises in which smoking is permitted. Such areas shall be designated so as to minimize exposure of non-smoking employees and the general public to smoking by-products.

Section 3. Restriction of Smoking in Public Places

- A. It shall be unlawful for any person to smoke in any Public Place as defined herein.
- B. Each person having control of premises upon which smoking is prohibited by this By-Law, or his agent or designee, shall conspicuously display upon the premises an appropriate number of signs reading "Smoking Prohibited by Law".
- C. Each person having control of a Public Place may designate enclosed areas in which smoking is permitted, provided that smoking in such designated areas will allow the non-smoking public to remain free from exposure to smoke.
- D. It shall be unlawful for any person having control of any premises upon which smoking is prohibited by this By-Law to knowingly permit a violation of this By-Law.

Section 4. Enforcement

- A. Any person having control of premises upon which smoking is prohibited by this By-Law shall inform persons violating this By-Law of the enforcement provisions thereof, and shall inform the enforcement agents identified in Section 4B of the violation.

- B.** Enforcement of this By-Law shall be by the Board of Health or the Health Agent. The Police Department shall also have the authority to issue citations for violations.
- C.** Whoever violates the provisions of this By-Law may be penalized by a criminal complaint brought in District Court or by a non-criminal method of disposition as provided for by Massachusetts General Laws, Chapter 40 & 21D.

Section 5. Penalties

- A.** Any person who smokes in violation of this By-Law shall be subject to a fine of not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars for each offense.
- B.** Non-criminal penalties for violations of this by law are:
 - First Offense.....\$25.00
 - Second Offense..... \$50.00
- C.** Any person having control of a Public Place where smoking is prohibited by this By-Law who fails to enforce its provisions as described in Section 4A shall be considered in violation.

Section 6. Severability

If any provision of this By-Law is declared invalid, the other provisions thereof shall not be affected.